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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/558,656 | 04/26/2000 | Miyuki Enokida | 862.C1901 | 9979 |
| 5514 | 7590 | 01/18/2005 | EXAMINER | |
| FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | TO, BAOQUOC N | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2162 | |

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/558,656

Applicant(s)

ENOKIDA ET AL.

Examiner

Baoquoc N To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21,23-27,51,53-57 and 64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21,23-27,51,53-57 and 64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request For Continued Examination

1. The request filed on 11/22/2004 for a Request For Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 09/558656 is acceptable and a RCE has been established. An action on the RCE follows.
2. Claims 21, 23-27, 51-57 and 64 are pending in this application.

Response to Arguments

3. Applicant's arguments with respect to claims 21, 51 and 64 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21, 23-26, 51-56 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiomi et al. (US. Patent No. 6,009,439) in view of Yamada et al. (US. Patent No. 6,490,683 B1).

Regarding on claims 21 and 51, Shiomi teaches a data processing method comprising the steps of:

reading multiple kinds of meta-data from data files belonging to a directory, each of the data files having both data and meta-data indicating characteristics of the data (attribute selecting unit for selecting at least one attribute among the plurality of attributes in the data storing unit) (col. 7, lines 24-28);

extracting a common meta-data item whose content is included in all of the data files from the multiple kinds of meta-data read in said reading step (data classifying unit for extracting from the data storing unit data which include attribute value included in attributes selected by the attribute selecting unit) (col. 7, lines 24-28);

generating directory meta-data for directory by using the common meta-data items extracted in said extracting step; generating directory meta-data for the directory by using the common meta-data item extracted in said extracting step group title generating unit generates a group title for each group using at least one attributes value of at least one higher attribute included in common in each group (col. 7, lines 24-28). However, Shiomi does not explicitly teach attaching the directory meta-data generated in said generating step to the directory. On the other hand, Yamada teaches "file management and file searches are easily performed by dividing file data into groups, each group containing a plurality of file data items having common data contents. A group of plurality of file data items is called a "directory" or "folder". An independent directory name (or folder name) is attached to each directory (or folder) (col. 22, lines 62-67. Yamada suggests the same concept and also the name of the directory is attached to its directory Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Shiomi's system to include

attaching a generated title with the directory as taught Yamaha in order to sort files into different groups thereby providing user with easy access.

Regarding on claims 23 and 53, Shiomi teaches the method recited in claim 21, wherein: when in said searching step there is no common meta-data item, the directory meta-data for the directory is generated based on a meta-date item whose content is included in most of the data files belonging to the directory step (col. 7, lines 24-48).

Regarding on claims 24 and 54, Shiomi teaches the method recited in claim 21, further comprising the steps of: generating a new directory, and recording therein data files to which are attached meta-data which includes meta-data items used in the directory meta-data generated in generating step; wherein, in said attaching step, the directory meta-data generated in said first generating step is attached to directory data corresponding to the new directory (col. 7, lines 24-48).

Regarding on claim 25, Shiomi teaches a method recited in claim 21, further comprising the step of: generating a new directory, and recording therein data files to which are attached meta-data which does not include meta-data items used in the directory meta-data generated in said first generating step (col. 7, lines 24-48).

Regarding on claim 26, Shiomi teaches the method recited in claim 21, wherein: each data file includes image data, audio data, or dynamic image data (col. 7, lines 24-48).

Regarding on claims 27 and 57, Shiomi discloses substantially the invention as claimed excepting for the attaching step, the meta-data generated in said generating step is appended to the end of the directory data. On the other hand, Yamada teaches

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“file management and file searches are easily performed by dividing file data into groups, each group containing a plurality of file data items having common data contents. A group of plurality of file data items is called a “directory” or “folder”. An independent directory name (or folder name) is attached to each directory (or folder) (col. 22, lines 62-67). Yamada suggests the same concept and also the name of the directory is attached to its directory. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Shiomi’s system to include attaching a generated title with the directory as taught Yamaha in order to sort files into different groups thereby providing user with easy access.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Elko et al. (US. Patent No. 5,457,793) Patent date: 10/10/2003.

Morikawa (US. Patent No. 5,613,108) Patent date: 03/18/1997.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, John Breene can be reached at 571-272-4107.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

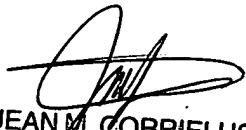
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Baoquoc N. To

Dec 20, 2004


JEAN M. CORRIELUS
PRIMARY EXAMINER